

CASE DIGEST: *U.S. DOJ, Exec. Off. of Immigr. Rev.*, 72 FLRA 622 (2022)
 (Member Kiko concurring; Chairman DuBester dissenting)

This case concerns the Union’s motion for reconsideration (motion) of the Authority’s decision in *U.S. DOJ, Executive Office of Immigration Review*, 71 FLRA 1046 (2020) (*EOIR 2020*) (then-Member DuBester dissenting). In *EOIR 2020*, the Authority found that *U.S. DOJ, Executive Office of Immigration Review, Office of the Chief Immigration Judge*, 56 FLRA 616 (2000) (*EOIR 2000*) was incorrectly decided. As such, the Authority overruled *EOIR 2000* and found that immigration judges are management officials, and therefore, excluded from being members of the bargaining unit pursuant to the Federal Service Labor-Management Relations Statute. In its motion, the Union argued that the Authority erred in its legal conclusions and factual findings. The Association of Administrative Law Judges and the American Federation of Government Employees, AFL-CIO, after the Authority granted permission, filed amicus curiae briefs. Because the Union failed to demonstrate extraordinary circumstances warranting reconsideration, the Authority denied the motion.

Member Kiko concurred, emphasizing certain plain and compelling circumstances that supported the decision in *EOIR 2020* to re-examine the appropriateness of the unit of immigration judges and find that the judges were management officials.

Chairman DuBester dissented, concluding that the Union demonstrated extraordinary circumstances warranting reconsideration of *EOIR 2020*.

This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.